

REMARKS

This Amendment and Response to the Non-Final Office Action is being submitted in response to the Non-Final Office Action mailed March 19, 2008. Claims 1-30 are pending in the Application, of which claims 1-10 have been previously cancelled (See "Third Substitute Preliminary Amendment" dated February 7, 2008).

Claims 11-19, 23, 24 and 26-30 stand rejected under 35 U.S.C. 102(b) as being anticipated by Schoenke (U.S. Pat. No. 4,032,491), Hansen (U.S. Pat. No. 4,405,680), Buck et al (U.S. Pat. No. 4,530,652), Grube et al (U.S. Pat. No. 5,055,135), Kalkanoglu (U.S. Pat. No. 5,437,923), Ohtsuka et al (U.S. Pat. No. 5,925,695) Fensel (U.S. Pat. No. 6,524, 980), Driesken et al (U.S. Pat. No. 6,538,053) or Stephens et al (U.S. Pub. No. 2003/0149140).

Claims 1-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schoenke (U.S. Pat. No. 4,032,491), Hansen (U.S. Pat. No. 4,405,680), Buck et al (U.S. Pat. No. 4,530,652), Grube et al (U.S. Pat. No. 5,055,135), Kalkanoglu (U.S. Pat. No. 5,437,923), Ohtsuka et al (U.S. Pat. No. 5,925,695) Fensel (U.S. Pat. No. 6,524, 980), Driesken et al (U.S. Pat. No. 6,538,053) or Stephens et al (U.S. Pub. No. 2003/0149140).

In response to these rejections, Claims 11, 12, 24, and 26 have been amended to further clarify the subject matter which Applicant regards as the invention, without prejudice or disclaimer to continued examination on the merits. These amendments are fully supported in the Specification, Drawings, and Claims of the Application and no new matter has been added. Based upon the amendments and the arguments presented herein, reconsideration of the Application is respectfully requested.

**REJECTION OF CLAIMS 11-19, 23, 24 AND 26-30 UNDER 35 U.S.C. §102(b)**

Claims 11-19, 23, 24, and 26-30 stand rejected under 35 U.S.C. §102(b) as being obvious over Schoenke (U.S. Pat. No. 4,032,491), Hansen (U.S. Pat. No. 4,405,680),

Buck et al (U.S. Pat. No. 4,530,652), Grube et al (U.S. Pat. No. 5,055,135), Kalkanoglu (U.S. Pat. No. 5,437,923), Ohtsuka et al (U.S. Pat. No. 5,925,695) Fensel (U.S. Pat. No. 6,524, 980), Driesken et al (U.S. Pat. No. 6,538,053) or Stephens et al (U.S. Pub. No. 2003/0149140). It is respectfully submitted, however, that the cited references fail to anticipate or render obvious the disclosed invention. Specifically, the cited references fail to disclose, suggest, or teach a thin block copolymer modified bituminous felt or pavement comprising at least one block copolymer, comprising at least two poly(vinyl aromatic) blocks and at least one poly(conjugated diene) block, in a weight proportion of from more than 30 to 50 wt%.

Schoenke discloses a roofing composition and resulting product that comprises 5-40% of asphalt and 60-95% of a block copolymer.

Hansen discloses a roofing shingle composed of a block copolymer and asphalt composition, wherein the block copolymer is about 6 to about 30 wt. % of the block copolymer.

Buck et al discloses an asphalt composition. The asphalt composition comprises an asphalt and about 10 to about 25 wt.% of the block copolymer.

Grube et al discloses a flame retardant bitumen. The bitumen includes a styrene copolymer between about 2 and about 20 wt. %.

Kalkanoglu discloses a halogen-free flame-retardant bitumen roofing composition. The styrene copolymers in the composition are in a concentration of about 2 to about 25 wt % based upon the total weight of the composition.

Ohtsuka et al discloses a curable composition, a cured article therefrom having improved properties, an asphalt emulsion, an asphalt mixture for paving, and a cured article prepared therefrom having excellent water permeability. The composition in Ohtsuka is limited to a aromatic vinyl compound.

Fensel et al discloses a roofing membrane using composite reinforcement constructions. The roofing membrane includes an SBS block copolymer in the range of about 5 to about 22 wt %.

Drieskens et al discloses a watertight roofing panel of a bituminous composition. The composition contains 5 to 25 wt. % of rubbery polymers comprising at least (a) radial styrene-butadiene block copolymer, (b) linear and/or radial styrene-isoprene block copolymer, and (c) styrene-diene diblock copolymer, preferably of statistical interlinking.

Stephens et al discloses a polymer modified bitumen compositions. The polymer modifier is present in the bituminous composition in an amount in the range of from 0.5 to 25% by weight.

On the other hand, amended claims 11, 12, 24, and 26 of the disclosed invention claims at least one block copolymer, comprising at least two poly(vinyl aromatic) blocks and at least one poly(conjugated diene) block, in a weight proportion of from more than **30 to 50 wt %**, relative to the weight of the block copolymer and bitumen.

Schoenke, Hansen, Buck et al, Grube et al, Kalkanoglu, Fasel et al, Drieskens at al, and Stephens et al do not disclose, suggest, or teach a block copolymer in a weight proportion of from more than 30 to 50 wt. %. Rather, Schoenke, Hansen, Buck et al, Grube et al, Kalkanoglu, Fasel et al, Drieskens at al, and Stephens et al teach a wt. % of between 0.5 to 30.

Additionally, Ohtsuka et al does not disclose, suggest, or teach a block copolymer comprising at least two poly (vinyl aromatic) blocks. Rather, Ohtsuka teaches an epoxy modified diene based block copolymer comprising an aromatic vinyl compound.

Accordingly, Claims 11, 12, 24, and 26 have been amended to further clarify the invention with these limitations.

These rejections are respectfully traversed, and reconsideration and withdrawal of the rejection is respectfully requested.

**REJECTION OF CLAIMS 1-30 UNDER 35 U.S.C. §103(a) AS BEING  
UNPATENTABLE OVER SCHOENKE, HANSEN, BUCK ET AL, GRUBE ET AL,  
KALKANOGLU, OHTSUKA ET AL FASEL ET AL, DRIESKENS ET AL, AND  
STEPHENS ET AL**

It is respectfully submitted that the Examiner has not provided adequate information concerning his §103 rejection to allow Applicant to appropriately and adequately respond. As required by 35 U.S.C. §103, the examiner should set forth in the Office action:

(A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,

(B) the difference or differences in the claim over the applied reference(s),

(C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

As further stated in M.P.E.P 706.02(j), it is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply.

In any event, there is no suggestion or motivation from the references cited, or the knowledge generally available to one of ordinary skill in the art, to modify the cited references or combine the cited reference teachings. Further, the cited references do not teach or suggest all the claim limitations as amended.

Accordingly, amended claims 11, 12, 24, and 26 have been amended to further clarify the invention with these limitations.

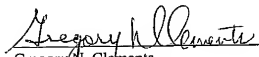
These rejections are respectfully traversed, and reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant would like to thank Examiner for the attention and consideration accorded the present Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel at the telephone number, facsimile number, address, or email address provided below. It is not believed that any fees for additional claims, extensions of time or the like are required beyond those that may otherwise be indicated in the documents accompanying this paper. However, if such additional fees are required, Examiner is encouraged to notify undersigned Counsel at Examiner's earliest convenience.

Respectfully submitted,

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